



**The Regular Meeting of the
Brian Head Town Council
Town Hall Council Chambers
56 N. Hwy 143, Brian Head, UT 84719
Tuesday, February 09, 2010 @ 1:00 p.m.**

AGENDA

1:00 p.m.

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. DISCLOSURES**
- D. APPROVAL OF THE MINUTES:**
 - 1) January 12, 2010 Town Council Minutes**
 - 2) January 26, 2010 Town Council Minutes**
- E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
- F. AGENDA TOPICS:**
 - 1. PUBLIC SAFETY CODE DISCUSSION** – Gary Bulloch, Public Safety Director – The Council will review and hold discussion on a proposed Public Safety Code Ordinance.
 - 2. WATER UTILITY BILLING DISCUSSION AND DIRECTION** – Bryce Haderlie, Town Manager & Tom Stratton, Public Works Director – The Council will hold discussion on the water utility billing ordinance, section 7.2.10 and will give direction on the interpretation of the Ordinance.
 - 3. DISCUSSION ON ESTABLISHING PARAMETERS FOR COUNCIL’S PROJECTS AND REQUESTS** – Bryce Haderlie, Town Manager – the Council will hold discussion on parameters for requests and projects presented by Council to staff for completion.
 - 4. EAGLE SCOUT PRESENTATION** – Spencer Haderlie – Spencer will present an Eagle Scout project to the Council for approval.
- G. ADJOURNMENT**

Dated the 5th Day of February, 2010

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference.

In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 5th day of February, 2010 and have posted such copy on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk

**The Regular Meeting of the
Brian Head Town Council
Town Hall Council Chambers
56 N. Hwy 143, Brian Head, UT 84719
Tuesday, February 09, 2010 @ 1:00 p.m.**

Members Present: H.C. Deutschlander, Stewart Fausett, Hans Schwob, Jim Ortler, Linda Ames.

Staff Present: Bryce Haderlie, Nancy Leigh, Cecilia Johnson, Tom Stratton, Gary Bulloch, Wendy Dowland

A. CALL TO ORDER

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:00 p.m.

B. PLEDGE OF ALLEGIANCE

Mayor Deutschlander led the Council and others in the Pledge of Allegiance.

C. DISCLOSURES

There were no conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Recorder's office and are available for public inspection during normal business hours.

D. APPROVAL OF THE MINUTES:

1) January 12, 2010 Town Council Minutes

Motion: Council Member Ortler moved to approve the January 12, 2010 Town Council minutes with corrections. Council Member Schwob seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

2) January 26, 2010 Town Council Minutes

Motion: Council Member Schwob moved to approve the January 26, 2010 Town Council minutes as corrected. Council Member Ames seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items

Mayor Deutschlander

1. Introduced Chris Hunter, Rural Water Association's Training Specialist. Ms. Hunter congratulated Mayor Deutschlander on winning the Rural Water Associations' Elected Official of the Year Award. The award will be presented during the annual Rural Water conference on March 3, 2010 at the St. George Convention Center.

Ms. Hunter explained that during the conference there is a Rural Water booth that uses dart throwing as a way to raise money for scholarships which are given to children who are tied to a water system. The scholarships are for \$1,500.00 towards their education. Ms. Hunter inquired if the town would donate a minimum of \$100.00 either in cash or a ski pass to used as a prize. The town would receive publicity and would go for a good cause.

The Council directed staff to create a certificate for the use of the town's freedom passes for either skiing or tubing from Monday thru Thursday with a week's notice and subject to availability.

2. Attended the Rocky Mountain Power open house for the new 345kV transmission line project from Sigurd to Red Butte (see attached brochure). Mayor Deutschlander updated the Council on the proposed project and its potential impact on Brian Head. Mayor Deutschlander requested the consensus of the Council to direct staff to complete the application and send a letter of support to Rocky Mountain Power and to the Bureau of Land Management, since it is not a coordinated project between the agencies. The Council directed staff to complete

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- the application and letter for Rocky Mountain Power 345 kV transmission line project from Sigurd to Red Butte.
3. The Rural Water Associational annual water conference is scheduled for March 1-5, 2010 at the St. George Convention Center.
4. Utah Department of Transportation (UDOT) will host a meeting on March 23, 2010 at the Iron County Courthouse at 2:00 p.m. to discuss transportation related issues.
5. The Utah Chapter of the Planning Association will hold its spring conference in St. George on March 11-12, 2010 at the Washington City Community center.
6. Cedar Breaks National Monument is in the process of receiving public comments on a proposed new ranger station. Comments are due by February 15, 2010. Council directed staff to draft a letter of support for the new ranger station.
7. Discussion took place on the Utah Retirement Systems. Council Member Ortler reported that the Utah League of Cities and Towns Policy Committee have been tracking the retirement system issue and that there is no mention of a substantial recovery in the retirement system.

Bryce Haderlie, Town Manager

1. After the town's annual audit was completed, it was noted that the new Solid Waste Enterprise Fund transferred all of the revenue from 2006 through 2009 in the amount of \$331,379.70 of unrestricted net assets. Bryce reported that the General Fund was using part of those funds prior to July 01, 2009 and requested if Council would direct staff to present a resolution to transfer funds back into the General Fund for budgeting. Discussion was held by the Council on the impact to the General Fund and directed staff to draft a resolution to transfer the funds for any revenue prior to July 01, 2009 back into the General Fund and present at the next Council meeting for consideration. Mayor Deutschlander requested that staff contact Pelorius to determine the reasoning on moving the funds from 2006 forward.
2. The Salt Lake Real Soccer Team National Cup Tour was in Brian Head for a short presentation earlier today, in which Mayor Deutschlander presented a framed picture of the town's torchlight parade. Mayor Deutschlander recommended that the photos that were taken along with the scarf that was given to Mayor Deutschlander be used for a project for the public to view.
3. A search and rescue was conducted on February 6, 2010 for two lost individuals on snowmobiles. They were found at 10:00 p.m. in the Dry Lakes area. Bryce thanked the professionals in Brian Head who participated in the search and rescue for their knowledge of the area.
4. Contacted the LDS church authority to discuss a lease of the town hall for weekly church services. The church has agreed to \$2,400.00 per year and a contract will be presented to the Council for consideration at a later date.
5. Staff is in the process of applying for a Scenic Byway grant in which twelve million dollars in grant money may be available. Staff is working with Marci Demillion, Rivers, Trails, Conservation Assistance (RTCA) in pursuing projects for the grant.
6. The Utah Recycling meeting was held on February 8, 2010 at the Brian Head Town Hall and was attended by Council Member Schwob, Mayor Deutschlander, Tom Stratton and Bryce.
7. The General Plan Land Use Map has been drafted and will be presented at the Planning Commission meeting on February 17, 2010 along with a plan for parking districts which may be implemented into the General Plan.
8. Reminded the Council that the regular meeting of the Brian Head Planning Commission is scheduled for Wednesday, February 17, 2010 due to the Presidents holiday.

Gary Bulloch, Public Safety Director, distributed the department's update to the Council (see attached).

Tom Stratton, Public Works Director, distributed the department's update to the Council (see attached). No other reports were given by the Public Works Department.

Cecilia Johnson, Town Treasurer

1. Distributed the monthly budget for December, 2009 (see attached). The following questions were then discussed:
 - a. Council Member Ortler inquired as to why the employee benefits were high and how the employee wages were allocated. Cecilia distributed a spreadsheet identifying the of employee wages (see attached), along with a spreadsheet which identified the insurances and employee benefits (see attached). The corrections can be made by amending the budget.
 - b. The employee benefits are identified as 64% of the year instead of 50% of the year, showing 14% over. Staff will research for the increase and report to the Council.

c. There is a credit balance in the professional technical line. Staff will contact the Auditor on the journal entries that were made pertaining to the professional/technical GL.

d. The Bristlecone SID fund identifies a credit in the expense line for the road department and crediting back in the current year. Staff will research and report back to Council.

e. Funds from USDA in the amount of \$80,000.00; where it is identified in the budget? Cecilia reported that it went into the Capital Budget and not identified in the General Fund. There is an accounting of the distribution of funds from the USDA that is conducted by staff.

F. AGENDA TOPICS:

1. PUBLIC SAFETY CODE DISCUSSION – The Council will review and hold discussion on a proposed Public Safety Code Ordinance.

Gary Bulloch, Public Safety Director, presented the proposed Public Safety Code for discussion (see attached). Gary reported that the proposed code identifies state code and town policies currently in effect. This has reduced the length of the proposed ordinance and eliminates the issue of conflict with State Code.

The Council reviewed the proposed Public Safety Code with the following discussions:

1. The Justice Court has been eliminated from the Code, since the town currently has an inter-local agreement with the Iron County Justice Court.
2. Legal will review paragraph B pertaining to enforcing every law.
3. The Code does not identify an EMT department within the Public Safety Department. Gary responded that the town currently utilizes Iron County Ambulance Service due to the required certifications for an EMT department.
4. The volunteer fire department is a combination of volunteers and paid firefighters.
5. The proposed code will be sent to legal for review and then presented to Council for adoption.
6. Whether a public hearing should be held prior to the adoption of the Public Safety Code. Consensus of the Council was to not hold a public hearing.

2. WATER UTILITY BILLING DISCUSSION AND DIRECTION – The Council will hold discussion on the water utility billing ordinance, section 7.2.10 and will give direction on the interpretation of the Ordinance.

Tom Stratton, Public Works Director, explained that a business owner has approached staff to report the Water Code which identifies billing, has been billing the users of mixed uses such as residential and commercial in one location incorrectly. Staff is requesting Council's interpretation of the Code for water billing and to direct staff on the procedure of the water billing. Bryce Haderlie, Town Manager, reported that legal has reviewed the ordinance and the advice of the attorney is whatever the Council interprets it and how it should be enforce.

Bryce explained that the issue is that a commercial business may have a single meter which serves both commercial and residential and then there buildings that have two meters; one for residential and one for commercial. Staff has been billing those with one meter serving buildings with both commercial and residential, with the residential crediting towards the commercial which could be applied to the commercial for any overages and they receive one monthly bill. With the buildings that identify two meters, one bill is charged towards the commercial and one bill is charged for the residential so that they receive two monthly bills.

Troy Katwyk, Cedar Breaks Lodge, presented another example such as Cedar Breaks Lodge currently has, in which there are a total of three buildings; two with residential and one building with commercial/residential mixed use. Since the other two residential buildings are using the commercial but they are paying for residential use only and could be credited towards the commercial.

Discussion was held on the following:

1. Multiple users of a homeowners association with a single responsibility party paying for the entire building.
2. Whether the residential units can credit towards the commercial's use of water in any overages.
3. The USDA requirements which were identified in order to obtain the loan/grant and set the water rates for the town in order to make the bond payments.

4. Commercial are currently required to be metered separately, but there are several commercial/residential units in town have a mixed use of one meter for both.
5. There may be a total of three businesses that have commercial/residential with one meter attached for both uses. Cedar Breaks Lodge currently has one meter for each building with commercial and 35 residential units sharing one meter in the main building.
6. A majority of overages have been reduced due to identifying leaks.
7. When the budget was adopted, it was an unknown what the revenue from the overages would be.
8. Council Member Ortler requested that staff present a proposal treating residential and commercial the same at the annual budget retreat for the Council's review and in the meantime not make any homeowner pay twice for a common meter and to give full allowance for the residential/commercial units.
9. When the rates were adopted, the staff did not have the data from the meters which have been in place for a period of three months.
10. Staff will confirm with Cody Deeter, Lewis, Young & Burningham, the town's financial advisors regarding any extra revenue that the town may need to build the reserve fund for the USDA bond payments.
11. Staff requested Council's participation in creating scenarios to be presented at a later time.
12. Staff will provide the following information for the Council's review during the budget retreat:
 - a. exact number of units and meter reads on Cedar Breaks Lodge and other affected businesses.
 - b. proposal that could be a fair system each user pays their fair share.
 - c. present scenarios to the Council on the billing system and what the potential impact on the system could be.
 - d. provide information on overages of the allotted 5,000 gallons which is identified for all utility users.
 - e. the total deficit amount of the affected businesses with one meter between the commercial and residential
 - f. provide billing totals for the year at the budget retreat

Staff will present this agenda item at the next regular meeting of the Town Council for Council's direction. Staff requested Council's input on this item prior to the next Council meeting scheduled for February 23, 2010.

Motion: Council Member Schwob moved to table agenda item F-2, Water Utility Billing Discussion and Direction until the next regularly scheduled Council meeting. Council Member Ames seconded the motion.

Action: **Motion carried 4-1-0 (summary: Yes = 4, No = 1, Abstained = 0 Vote: Yes: Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ames. No: Council Member Ortler).**

3. **DISCUSSION ON ESTABLISHING PARAMETERS FOR COUNCIL'S PROJECTS AND REQUESTS**– the Council will hold discussion on parameters for requests and projects presented by Council to staff for completion.

Bryce Haderlie, Town Manager, explained that staff is requesting clarification on items pertaining to Council requests and projects. Bryce went on to explained that Council has come to staff to make requests to have things done which doesn't always have the consensus of the Council and would like to establish parameters for Council's projects and requests of the staff.

Discussion was held on the following:

1. Consensus of the Council is the majority of the Council and can give direction to staff, but is not identified as a formal vote.
2. Staff will call Council Members individually due to time constrains to determine if the Council is in concurrence, such as a straw poll.
3. It is the consensus of the Council that the Town Manager can address items in which to operate within the budget in order to carry out his responsibilities.
4. Items that are identified as interest to the public should be brought in front of the public in the spirit of the sunshine law.
5. Some non-agenda items can be addressed for direction of the Council during the public input period of the Council meeting.
6. Staff should agenda items that would air in the direction of the public's interest.
7. Town Manager should decide whether an item would need to be brought up in front of the Council or whether it should be handled administratively.

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Staff will continue to operate in the manner by which it has been operating in the past. The Town Manager will use his discretion on determining whether a issues would need to be addressed on the Council's agenda or as a non-agenda item.

4. EAGLE SCOUT PRESENTATION Spencer Haderlie will present an Eagle Scout project to the Council for approval.

Bryce Haderlie, Town Manager, explained that Spenser Haderlie was not able to attend the Council meeting to present his Eagle Scout project and would be presenting the project himself to the Council for consideration and funding.

Bryce explained that Spenser is requesting to create a small library for the town in the location of the town hall council chambers. The project would include building chair racks and shelves for the books.

The Council held discussion on the following:

1. Donations from other sources for partial funding.
2. The chairs are currently owned by the LDS church and are not guaranteed to remain in the Council chambers.
3. Whether staff would need to monitor the check out process for the books or if an honor system would be incorporated.
4. The limited hours of the town hall in serving the public after hours.
5. The shelves estimated amount would be \$1,200.00 for four shelves and the possibility of the LDS Church donating for the chair racks.

Motion: Council Member Ames moved to authorize the expenditure not to exceed ~~\$1,500.00~~ **\$1,200.00** for the shelves and chair racks for a small library to be located in the back of the Council chambers. Council Member Schwob seconded the motion.

Action: **Motion carried 4-1-0 (summary: Yes = 4, No = 1, Abstained = 0 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ames. **No:** Council Member Ortler).

G. ADJOURNMENT

Motion: Council Member Ames moved to adjourn the regular meeting of the Brian Head Town Council for February 9, 2010. Council Member Fausett seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

The regular meeting of the Brian Head Town Council was adjourned at 3:20 p.m. for February 09, 2010.

February 23, 2010

Date Approved

Nancy Leigh
Town Recorder/Clerk